



State of Arizona
Department of Education

CN# 08-12

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MEMORANDUM

TO: National School Lunch Program (NSLP) Sponsors

FROM: Mary Szafranski, Deputy Associate Superintendent
Arizona Department of Education, Health & Nutrition Services

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DATE: August 4, 2011

RE: Child Nutrition Reauthorization 2010: Water Availability During National School Lunch Program Meal Service, Questions & Answers

Original Signed

This memorandum provides answers to frequently asked questions (FAQs) regarding CN# 34-11, *Child Nutrition Reauthorization 2010: Water Availability During National School Lunch Program Meal Service*. Section 203 of the Act amends section 9(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. (1758(a)) by requiring schools participating in the National School Lunch Program (NSLP) to make potable water available to children at no charge in the place where lunch meals are served during the meal service. The Food and Nutrition Service (FNS) has provided the following guidance on the implementation of this provision:

FAQs

Location Requirement

- 1. Q. The Healthy, Hunger-Free Kids Act requires potable water be “in the place where meals are served during meal service”, what does this mean?**

A. The location of the potable water must be in the foodservice area or immediately adjacent to the meal service area. For example, a water fountain that is immediately outside the door to the foodservice area and accessible to all students during the lunch period would be sufficient. The water fountain must be operational and able to provide potable water to students in a reasonable amount of time during the meal period.

2. Q. If there is a water fountain in the food service area available to students during the meal period, would this meet the requirement?

A. Yes. This meets the requirement, as long as the students have sufficient time to use the water fountain during their meal period. Children should not have to wait in long lines to get water.

A. Q. Would water fountains in the courtyard outside the cafeteria be acceptable?

A. Only if the water fountain is adjacent to the foodservice area and children are allowed access to this area during the meal.

B. Q. If a school has multiple locations in which they are serving NSLP, is water required in each location?

A. Yes. Water must be available in each of the meal service locations.

Reasonable Costs

1. Q. What costs are considered reasonable and allowable charges to the non-profit food service account?

A. A reasonable cost associated with providing water is a cost that does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. In determining whether a cost is reasonable, a SFA should ask the following questions:

- Would a prudent person find the cost to be reasonable?
- Is this cost at a fair rate or are there more cost effective alternatives?
- Does the cost unjustifiably increase costs from the nonprofit school food service account?
- Could the school food authority (SFA) defend this purchase to the Arizona Department of Education (ADE)?

For example, the cost of providing pitchers or cups that would be filled with potable water from the faucet or providing them to students to fill with potable water from a faucet is a reasonable cost. The SFA would need to determine if providing water bottles to students or other alternatives meets the requirements for necessary and reasonable costs.

A cost is generally not reasonable if it adds materially to the value of the school building and related facilities. Those types of costs are considered capital expenditures and should be paid by the school district's general fund. While the cost associated with major

plumbing would likely add to the permanent value of the school building and therefore come out of the school district's general fund, the addition of a water fountain to meet the potable water requirement makes the cost acceptable. A water filtration system may be reasonable, depending on the cost and need for such equipment. If the SFA can show:

- It has sufficient funds
- The district is truly lacking in capital improvement funding
- The expenditure is necessary to carry out the mission of the program

Many costs will have to be analyzed on a case by case basis in order to determine if the cost is truly reasonable. In such cases the SFA should consult ADE for guidance.

2. Q. Is the cost of a five gallon dispenser an allowable cost?

A. This could be an allowable cost if the SFA has determined this method of providing water is cost efficient and practical.

3. Q. Can a SFA charge the student for the cups in order to access water?

A. No. Charging students for cups in order to access water would be considered restricting access to water.

Alternative Serving Areas

1. Q. Would SFAs have to make potable water available to students on field trips where reimbursable meals are served?

A. Field trips may be exempted from the water requirement; however, schools should make an effort to have water available for all school related functions including field trips.

2. Q. What should a SFA do about meals that are served outside of the cafeteria, such as those served in a classroom, in-school suspension, etc.?

A. Schools must make water available for these students.

Program Questions

1. Q. Is potable water required to be available during lunch at seamless summer feeding sites?

A. Yes.

2. Q. Does the water requirement apply to non-school summer feeding sites?

A. No, the water requirement only applies to seamless summer feeding sites at schools.

3. Q. Is water required at breakfast?

A. This provision specifically applies to the NSLP; however, schools are encouraged to provide water during all meal service.

4. Q. Is potable water required to be available during afterschool snacks?

A. Yes, the Afterschool Snack Program falls under the jurisdiction of the NSLP.

Food Safety

1. Q. Water dispensers must be monitored and probably refilled and cleaned. Who would do that?

A. School food service staff would be responsible for maintaining all of their equipment which would include water dispensers.

General Questions

1. Q. Can the water be served at room temperature? Does the water have to be ice water?

A. The water does not have to be served chilled; water can be served at room temperature. However, children may find water more palatable if served chilled.

2. Q. How should water be provided to students under the American Disabilities Act?

A. The school should continue to follow the procedures documented in the Individualized Education Plan or the medical referral form.

3. Q. Can flavored water be served?

A. No, water must be served plain.

4. Q. If a water fountain is used and children are required to raise their hand to get up and go to the fountain, would that be considered unrestricted access?

A. Yes, although not ideal; as long as this is used to provide order and the student is not denied the opportunity to obtain water, this would be considered unrestricted access. All children should be able to use the water fountain in a timeframe that still allows enough time for consumption of the meal.

5. Q. Must cups be provided and is there a minimum required size for cups?

A. The SFA must provide cups if providing water in a bulk container (other than a drinking fountain). The water should be provided in cups suitable for the age of the child.

6. Q. Can SFAs require children to bring their own cups or bottles?

A. No, the SFA must provide cups at no cost to the child if water is provided in a bulk container.

For questions regarding this memorandum, please contact your School Nutrition Programs Specialist at (602) 542-8700.

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